

In Lane
Amey B. B. B. B. B.

TO THE PUBLIC.

AN attempt has recently been made by Dr. Bronaugh, the late surgeon of my regiment, to prejudice the public mind on the subject of a charge preferred against me by him, and on which I am arraigned for trial before a military court, to meet in New-York in September next. To counteract so nefarious a design, the following papers are given to the public. They not only unfold the causes of the disturbances which have long convulsed my regiment, and show the active agency which the surgeon has had in fomenting them, but explain also the nature of the transaction which he has made the foundation of his charge.

To the publication of these papers I shall for the present confine myself.

Whether as the commandant of a regiment it would have been proper for me, under any circumstances, to have consented to fight one of my officers about the discharge of my public duty, is a question concerning which honourable men may perhaps disagree.

As it respects the unworthy and dishonourable conduct which has been imputed to me, this rests for the present on nothing better than the infuriated denunciations of Bronaugh, and will be found to have no founda-

tion but in the dark and malignant passions to which he has given himself up. Was it not obviously improper, I could now, in anticipation of my trial, give to the public proofs the most convincing and satisfactory of the futility of these charges, and of the correctness of the statement contained in my letter to the Secretary of War, (No. 9) dated at French Mills, Nov. 20th, 1813.

J. A. COLES,
Col. 12th.

WASHINGTON, *July 25th*, 1814.

Collection 55 Aug 78

LETTERS, &c.

NO. 1.

Copy of a Letter from Col. Preston to Col. Coles.

Fort George, U. C. August 24th, 1813.

Sir,

Having been lately promoted to the command of 23d infantry, and being very much averse to a separation from the 12th regiment, to which I have heretofore been attached, I have made an application to the secretary of war to consolidate the 20th and 23d, now here, being attached to the 5th and 6th, and to give you the command of them, and continue me in the twelfth.

I hope, under all the circumstances connected with our relative situation, that you will unite in the application. I have thought it due to candour and to you, to enclose you a copy of the letter which I have addressed to the secretary of war upon that subject, it being one in which you are so directly concerned. I am informed that the 23d regiment, when brought together, will be in strength but little inferior to the best regiment in the service, but for the reasons contained in my letter enclosed, I should prefer commanding the 12th; and if your concurrence could be obtained, I have no doubt but that the arrangement would be permanently and immediately adopted. With respect I remain your obedient servant,

JAMES P. PRESTON.

NO. 2.

Copy of a Letter from Col. Preston to the Secretary of War.

Fort George, Upper Canada, August 24th, 1813.

Sir,

I have the honour to acknowledge the receipt of your notification, that I have been promoted by the President to the command of the 23d regiment infantry. I am aware that it is an expression of the President's confidence that demands my entire devotion and zeal in the service. There is, however, connected with my promotion a most painful circumstance, which by your interposition can easily be removed: I must therefore pray you that I may not be transferred from the command of the 12th regiment, to which I have by law been heretofore attached. The following rea-

sons, I hope, will convince you, that while you gratify me and all concerned, you may be assured that you have not injured the service, and most probably thereby it may be subserved. I will not complain of the hardship of that rule that has promoted Col. Coles over me, although in the first instance I believe he was appointed a major in the 12th regiment subsequently to my being a lieutenant-colonel in the same regiment. It is not for me to murmur or (with the feelings that induced me to leave home) believe that my country meditates any thing else than strict and impartial justice to the merits of those who she may be convinced most deserves attention. Having understood that it is the practice occasionally to transfer officers from their respective regiments, I must beg that I may continue in the command of the twelfth, and that Col. Coles may be arranged to the 23d. I assisted and superintended the recruiting of the whole of the 12th regiment now in service, and marched nearly half to this frontier; they are men who were raised in the western section of Virginia, with whose general habits and dispositions I am best acquainted; I have commanded them for such a length of time as almost to enable me to know each personally. I have a perfect confidence in them, and have reason to believe that feeling is reciprocated; they have been trained under my superintendence, they have been clothed and put in a condition, as far as it was in my power, for immediate action. I feel strongly attached to them, and at the moment when I was animated with the hope that the period had arrived when my own and my country's expectations would be answered, I have the mortification to see the command devolve on one who can have none of those sympathies, and for whom the regiment entertains no regard. I do not mean to reflect on Col. Coles; for whatever cause he may have given others to feel and believe respecting him, I know nothing personally, disreputable.—I cannot help feeling myself identified with the officers of the 12th regiment; they are all my friends, and they have flattered my feelings in a preference daily expressed, which has greatly increased my esteem and regard. I trust that Col. Coles may be arranged to the command of the 23d and of the 20th regiments, he having once commanded the latter, and having recruited and marched it to Black Rock last summer.—If they were consolidated, (being now competent parts of regiments here) their numbers would be superior to the 12th regiment, and to Col. Coles, under existing circumstances, ought to be a more acceptable command. I am aware that the caprice of officers is not to be consulted, and if this application is not founded on claims more substantial and cogent, I cannot expect that it will be regarded; but believing as I do that it will be productive of public good, while individual wishes will be gratified, and no injury can accrue, I have full confidence that it will not be rejected. With every sentiment of respect, I have the honour to be your obedient servant,

JAMES P. PRESTON,
Col. 23d Regt. Infantry.

NO. 3.

Copy of a Memorial from some of the Officers of the 12th Regiment to the Secretary of War.

Fort George, 21st Aug. 1813.

The Honorable the Secretary of War.

Sir,

The undersigned memorialists, officers of the 12th regiment U. S. infantry, who are now with the army at fort George, beg leave respectfully to represent, that they have learnt with astonishment, regret, and mortification, that lieut. col. J. A. Coles, of the 20th regiment of infantry, has been promoted to the command of the 12th regiment, thereby placing him immediately over lieut. col. James P. Preston, who, by the first organization of the army under the law of Congress for raising an additional military force, commanded col. Coles, who was then only a major.—Your memorialists are entirely at a loss to account for the irregularity of this promotion.

Your memorialists are fully impressed with the benefits and advantages to be derived to the army from the existence of respect for, and confidence in, the officer under whom each individual may serve, harmony is sure to prevail when this respect is felt;—and it is a guarantee for that hearty co-operation, so necessary on the part of those in inferior stations of command. At all times since their acquaintance with col. Preston, have your memorialists felt for him the highest respect as a soldier and gentleman, and have reposed the fullest confidence in his zeal and ability as an officer. But candour induces them to declare, that they do not feel for col. Coles that respect they wish to entertain for their commander, and that they do not believe that he possesses those qualifications which are indispensable in an officer, and without which they would feel the greatest reluctance at serving under him, or any one else similarly circumstanced.

Your memorialists therefore respectfully pray, that your excellency will be pleased to transfer col. Coles to the command of some other regiment, and give the command of the 12th regiment to col. Preston, who has lately been promoted to the 23d; and thereby restore to them that respect and confidence which it is absolutely necessary that officers should feel in their commander. We have the honour to be, sir, with the greatest respect, your obedient servants.

Signed by

THOMAS SANGSTER, Capt. 12th Infantry.

* ANDREW L. MADISON, do.

ROBERT G. HITE, 1st Lieut. do.

JOHN G. CAMP, do.

LEWIS B. WILLIS, do.

JAMES C. BRONAUGH, Surgeon do.

* JOSEPH BERRY, Surgeon's mate do.

ROBERT HOUSTON, 1st Lieut. do.

- * JOHN KENNY, do.
- * OTHO W. CALLIS, 2d Lieut. and Adjt. do.
- * PETER MAGRUDER, 2d Lieut. do.
- * MATTHEW HUGHES, do.
- WM. C. PARKER, do.
- * JOSEPH Mc GAROCK, 3d Lieut. do.
- * PHILIP WAGER, Ensign do.
- * JOSEPH SHOMO, do.

(The officers marked thus * were not known to col. Coles at the time they signed this paper.)

It affords us great pleasure to join the other officers of the regiment in their expressions of esteem and confidence in col. Preston, and also in their prayer that he may not be separated from them; as well because they believe it essential to the preservation of that harmony which at present exists, as because col. Preston is in our opinion, by every consideration, justly entitled to the command of this regiment. Signed by

ROBERT C. NICHOLAS, Major 12th Infantry.
JOHN KEY, jun. 1st Lieut. do.

The officers who have signed the foregoing memorial, send you this copy for your consideration and information.

To Col. J. A. COLES, of the U. S. army.

NOTE.—These papers, No. 2 and 3, were accompanied by the abusive letter of doctor Bronaugh to the Secretary of War, dated Fort George, Aug. 23d, 1813, which has already been given to the public.

NO. 4.

Copy of a Letter from Col. Coles to the Secretary of War.

Washington, Aug. 1813.

Sir,

On arriving here to-day on my way to the frontier, I learn that the officers of the 12th regiment (much the greater part of whom are totally unknown to me) have lately addressed a memorial to you, objecting to me as their commanding officer for reasons personal to myself, and declaring their belief that I do not possess the qualifications indispensable in an officer, &c.

Knowing as I do that this has been the effects of the base machinations of the surgeon of the regiment, who entertains for me the most envenomed and deadly hatred, and who has also, I learn, addressed a letter to you, charging me with conduct the most vile and dishonourable, and which, if true, would render me unworthy of any station whatever in the army.

I must therefore most earnestly request that a court of enquiry may be ordered to investigate the transactions to which his communication alludes.

After what has passed, this is due as well to the public service

as to my own character and feelings. A soldier for the occasion, with no other view than to render my country service, I trust and believe that an opportunity will not be denied me (whatever course this transaction may hereafter take) of giving to my friends and the world a record of the correctness and propriety of my conduct, and of disproving the vile and injurious calumnies with which it is attempted to blacken a reputation heretofore unsullied.

I have the honour to be, very respectfully, your obedient servant,

J. A. COLES, Col. 12th.

The Secretary of War.

NOTE.—Not the least notice was ever taken of this application by the secretary of war.

NO. 5.

Copy of an Address to General Wilkinson by some of the officers of the 12th Regiment.

Grenadier Island, Oct. 25th, 1813.

It affords the undersigned officers of the 12th regiment (who have marched with the detachment under Col. Coles) great pleasure to join the other officers of the regiment in their expressions of *esteem and confidence in Col. Preston*, and also in their prayer that he may not be separated from them, as well because they believe it essential to the preservation of that harmony which at present exists, as because Col. Preston is, in their opinion, by every consideration, justly entitled to the command of that regiment.

Signed by Thos. P. Moore, Captain; Russell Harrison, Peter C. Johnson, Amos J. Bruce, David Hunter, John Macky, Isaac Keyes, John Strother, Lieutenants.

NO. 6.

Copy of a letter from Col. Coles to Gen. Wilkinson.

Grenadier Island, Oct. 25th, 1813.

Sir,

Having been honoured by my country with the command of the 12th regiment, I received an order from the war office to repair to the frontier and join it with two companies of recruits from Winchester. On reaching this yesterday, I found Col. Preston of the 23d in command of the regiment, by an order from your excellency. As this command must from its nature have been intended as a temporary one, I take the liberty of asking that I may be in-

mediately put in command of my regiment, as I am desirous of attending personally to the duty of preparing it for active service in the field.

I have the honour to be, very respectfully, your obedient servant,

J. A. COLES, Col. 12th.

Major Gen. James Wilkinson.

NO. 7.

Copy of Gen. Wilkinson's order, giving Col. Coles the command of his Regiment.

*On board the Lady of the Lake,
off Grenadier Island, 25th Oct. 1813.*

AFTER ORDERS.

Col. Coles, of the 12th regiment, having joined, must of course take command of his corps. Col. Preston has been left in command of that regiment in expectation Col. Coles would not be able to join the depending expedition in season, and also in the hope that some accommodation satisfactory to both gentlemen might take place through the interposition of the secretary of war.

(Signed) JAMES WILKINSON.

NO. 8.

Questions proposed to Gen. Wilkinson by Col. Coles, with the Gen'l's answer.

Quest. 1st. Did I not wait on you on board of the Lady of the Lake, off Grenadier Island in Oct. last, and hand in to you an application to be put in command of my regiment?

Quest. 2d. Did you not on receiving it send for me to your cabin and write an order complying with my request?

Quest. 3d. Before you delivered it to me, did you not inform me that you were perfectly acquainted with the unfortunate situation of the regiment; and did you not express the great concern it gave you, and enjoin it upon me, whatever might be the state of my feelings towards my officers, that I should observe a mild and conciliatory course towards them, and, above all things, that I should suffer no personal appeals?

Quest. 4th. Did I not assure you that my conduct to my officers should conform to your wishes, and that it was also my fixed determination while I wore the uniform of my country, never to disgrace my commission by making myself personally responsible to

those placed under my command, for the discharge of my public duty?

Having deliberately examined the preceding interrogatories, I have no hesitation to declare that the matter therein contained is in substance strictly correct; and I will add, that under the circumstances of the moment, if Col Coles had refused to respect my injunctions, a sense of duty would have obliged me to have arrested him, as personal contests ought at all times to be discountenanced among military men, and must never be permitted while an army is in campaign.

(Signed) JAMES WILKINSON.

Washington, July 20th, 1814.

NOTE.—A few hours after this conversation, Col. Coles was challenged by Doctor Bronaugh, his surgeon, to fight a duel, which challenge he immediately enclosed to the General, thinking after what had so recently passed, that that would be the proper direction to give to his arrest. He was accordingly sent back to Sackett's Harbour in confinement by general Wilkinson, and was tried during the ensuing winter by a court martial, and sentenced to be cashiered.

The following is the general's order remitting his punishment:

"The general approves the sentence of the court, and remarks—in consequence of the recommendation of the court, and the high professional merits of Doctor Bronaugh, and the calamitous situation of the sick, the punishment is remitted, and the Dr. will resume his sword."

No. 9.

Copy of a letter from Col. Coles to the Secretary of War.

Camp at the French Mills, Nov. 20th, 1813.

Sir,

Some time in August last I had the honour to address you requesting a court of enquiry in consequence of a memorial forwarded to you about that time, by the officers of the 12th regiment of infantry, then at Fort George.

This memorial, signed by persons, the greater part of whom were totally unknown to me, was, as I informed you, the production of the surgeon of the regiment. That you may be the better enabled to understand the whole transaction, and come to some decision upon it, I now enclose you a copy of the trial of that officer as far as it went—and as all the prejudice that has been excited against me, has grown out of a misrepresentation of the circumstances connected with this arrest and trial, I feel it proper to add, that Doctor Bronaugh, the surgeon of the 12th regiment, was left under my command on the Niagara frontier during the fall and winter of 1812—13. That many complaints were made to me of

this officer, and that an enquiry into his conduct was at length forced upon me by himself.

He was detailed as the Surgeon of a Brigade Hospital, and on the morning after he took charge of it, he came to complain to me with great warmth and apparent indignation, "That men from the consolidated regiment under my command had been sent to him in the most horrible condition—that they had been suffered to lay for days in their own filth, and that they had actually died from neglect."

That some one had been shamefully and criminally negligent was certain—an enquiry was instituted, and resulted in a conviction, from all the testimony I received, that the blame rested with Doctor Bronaugh—that recorded on his trial will enable you in some measure to perceive how far I was warranted in coming to this conclusion.

Capt. Stanard of the 20th, who had been most loud and frequent in his complaints, came to my quarters, and I aided him in making out charges against Doctor Bronaugh which he copied and returned to me; and I then wrote Bronaugh a private note,* informing him that charges had been handed me against him, and that I was induced from the respect which I had entertained for him, to communicate it in that way, that he might have an opportunity to give to the transaction whatever shape he pleased. I had hoped that this would have led to a personal interview, and if the Doctor had evinced the proper feeling, and I could have been assured that in his future conduct there would have been less to complain of, it was my intention to do all in my power to suppress any further enquiry. In several instances a somewhat similar course had been attended with the best consequences—but in this it failed—a menacing answer was returned, and nothing was left to be tried but the harsh and disagreeable measure of arrest, to make this young man feel the responsibility of his situation, and to teach him the difference between the unrestrained and self-willed condition of his previous life, and that which now subjected him to the salutary restraints of obedience and of duty.

Capt. Stanard I now found was not desirous (as I had believed) to apply for Bronaugh's arrest himself, and I was about to act on the subject myself, when this officer, indignant at the menaces contained in Doctor B's. letter, took back the charges and insisted on signing them.

(* PRIVATE.)

Sir,

I have copied, and send for your consideration, the enclosed charges which have this day been put into my hands.

I am induced to do this from the personal respect which I have entertained for you, and from a wish that you may have an opportunity to give to this affair the course that will be most acceptable to yourself.

I am your obedient servant,

J. A. COLES.

Dr. Bronaugh.

These charges were handed in, and Doctor B. arrested about the middle of January, and the court after sitting some days, and examining several witnesses, adjourned on the 18th February sine die, on account of the exigencies of the public service, and was finally dissolved by order of major general Lewis on the 15th of April, the charges having been formally withdrawn by the prosecutor, major Stanard.

In February I left the regiment, and was kept on the recruiting service during the summer in Virginia. In this time menaces out of number, of personal violence and outrage reached me, and I was told that none of the officers who were with the regiment, would submit to be commanded by me. On joining the army however on Grenadier Island, I found this spirit of insubordination in none but the surgeon of the regiment, who immediately refused to do duty, and was desirous of making a personal appeal, in which I could not gratify him, as it did not appear to me to be the way in which the spirit of insubordination, which was said to exist in the regiment, was to be suppressed, or in which my authority as an officer, could be supported. It would have been an acknowledgment on my part of a responsibility, which, as the commandant of a regiment, I had never thought of, and which, if admitted, would have led to the destruction of every thing like discipline or obedience. It was an appeal, therefore, which seemed to me to be forbid by every consideration of duty and of honour.

The surgeon was sent in arrest to Sackett's Harbour, and the regiment proceeded under my command down the St. Lawrence, and in the action of the 11th at Williamsburg, behaved in a way to do themselves credit, and to gain my respect and confidence. The army does not contain a nobler, or more gallant set of men, than the officers of this regiment—with no others would I so soon confide my honour—with no others would I be so willing to hazard my life.

I have felt it to be my duty to give you this minute account of a transaction so much misrepresented, for the correctness of which I pledge myself, and if on enquiry you should be of opinion that blame can be attached to me, you will of course have the justice to grant my request, and authorize the proper tribunal to pass upon me.

I have the honour to be, very respectfully, your obedient servant,

J. A. COLES, Col. 12th.

The Secretary of War.

NO. 10.

Proceedings of a Court Martial, held at Williamsville, in the state of New York, by virtue of the following order.

DETACHMENT ORDERS,

Head-Quarters, Williamsville,

15th January, 1813.

A General Court Martial, to consist of 13 members, will assemble at the president's quarters at noon on the 16th inst. and try such prisoners as may be brought before it. Major Huyck of the 13th infantry is appointed President, and lieut. Hite of the 12th infantry, is appointed Judge Advocate. The acting brigade major will detail the remainder of the members, and an orderly sergeant to attend the court.

(Signed)

M. PORTER, Col. L. A. Com.

Saturday, 16th Jan. 1813.

The Court met pursuant to the above order.

PRESENT.

Major Huyck—President.

Capt. Wallace, 5th infantry	Capt. Chambers, 5th infantry
Sproule, 13th.	Myers, 13th.
Archer, 2d artillery.	Morgan, 12th.
Lieut. Opie, 5th infantry	Lieut. Adams, 13th.
Randolph, lt. artillery.	M. Gunnigle, 5th.
Davis, 2d artillery.	Ensign Gates, 13th.
Lieut. Hite—Judge Advocate.	

The court being duly sworn in the presence of the prisoner, proceeded to the trial of Doctor James C. Bronough, Surgeon of the 12th regiment U. S. Infantry, who being previously asked if he had any objections to the members as named by the brigade major, and replying in the negative, was arraigned on the following charges and specifications preferred against him by Capt. John Stanard of the 20th Regiment of U. S. Infantry.

CHARGE 1st.

Conduct unbecoming an Officer and a Gentleman.

Specification 1st—In taking to his quarters, and openly cohabiting with Fanny, a camp woman, the wife of P. Cumberland, a soldier in captain Page's company 12th regiment, during the months of Nov. and Dec. 1812, at camp near Buffalo, and at cantonment, Williamsville, in the state of New York; in violation of decency and good morals, and the usages of the army.

CHARGE 2d.

Neglect of Duty.

Specification 1st.—In failing to visit the sick for days together, when there were more than one hundred and fifty men on the sick report since the 1st December, 1812.

Specification 2d.—And at various other times since the 1st Nov. 1812, both here and at the camp near Buffalo, refusing to lend his professional aid when called on.

Specification 3d.—In a general remissness in the discharge of his duty, and for petulance and ill humour to those who were sent to him conformably to regimental orders, both here and at camp near Buffalo, since the 1st Nov. 1812.

Specification 4th.—And for a negligent attendance not only on the sick in their tents, but also on those in the hospital both here and at camp near Buffalo since the 1st Nov. 1812.

(Signed) JOHN STANARD, Capt. 20th Infantry.
Cantonment, Williamsville, 13th Jan. 1813.

To which charges and specifications the prisoner plead “Not Guilty.”

The court adjourned to meet on Monday morning the 18th inst. at 10 o'clock.

Monday Morning, 18th Jan. 1813.

The court met pursuant to adjournment.

PRESENT.

Major Huyck—President.

Capt. Wallace,	Capt. Chambers,
Sproule,	Myers,
Archer,	Morgan,
Licut. Opie,	Licut. Adams,
Randolph,	McGunnigle,
Davis,	Ensign Gates.

Captain Stanard, 20th infantry, a witness for the prosecution sworn, saith, That he had frequent occasions to visit the quarters of Doctor Bronaugh during the month of Nov 1812, and since about the 15th of Nov. 1812, at camp near Buffalo, that he saw Fanny Cumberford in the prisoner's tent, and occupying a part of his birth or bed—that prior to the 15th Nov. aforesaid, he frequently saw her go into the tent of Doctor Bronaugh with a great deal of familiarity—that he has heard her ask the Doctor in his presence, and in the presence of others, to make her a glass of tody—and that he has seen her go into the Doctor's tent at other times in one dress, and come out in another, from which the witness supposes she had gone in to change her apparel. Captain Stanard further states, that on or about the last of Nov he had occasion to go into the tent of Doctor B—that he saw him seated near Fanny Cumberford, and upon seeing witness come into the tent, saw Doctor B. disengage himself from her.

Quest. by the Judge Advocate.—At the time you saw Fanny occupying the birth or bed of Doctor B. do you suppose she was sick?

Ans.—It was stated to me by Doctor B. that she was sick—I did think so myself.

Quest. by same.—From seeing Fanny go into the tent of Doctor B. in one dress and come out in another, did you suppose that was the place she most usually occupied?

Ans.—I cannot say, but was under the impression that she used the tent of Doctor B. at pleasure.

Quest. by the Prisoner.—Do you know that she was a matron in the hospital, and that it was frequently necessary for her to come to my tent for the purpose of enquiring the proper time of administering medicine?

Ans.—I had heard the Doctor say she was a matron—that it was her duty to attend at his tent—but at the different periods I saw her at the tent of Doctor B. I never heard her make any enquiry concerning the sick, or appertaining to her duty—that the only active woman I saw about the hospital was the mother of a soldier in captain Morgan's company.

Quest. by same.—At the time you saw her come out of my tent with her clothes changed, was I in the tent?

Ans.—I cannot say—I was not in the tent at that time.

Quest. by same.—The night previous to our marching to the river when you came into my tent for the purpose of giving into my charge your money, did you see two beds in my tent?

Ans.—I saw one bed or birth, and some naked camp stools in the tent, which were used as seats, and some books lying on them.

Quest. by same.—What part did you see me disengage from her when you came into my tent?

Ans.—Your arms—she seemed to be reclining upon you.

Quest. by same.—Was she at that time very ill?

Ans.—I had been previously informed by Doctor B. she had been ill—I asked her how she was—she said she felt better.

Quest. by same.—Did you ever see her in bed with me?

Ans.—No. I do not recollect that I was ever at your quarters after bed time.

Quest. by Court.—As the term cohabit admits of two meanings, in which is it your attention it should apply? do you mean that they lived together, or that they had sexual intercourse, or both?

Ans.—As it relates to my own knowledge of the facts, I used the term to signify that they *lived together*.

Quest. by the same.—Could you distinctly observe Dr. B.'s arms around Fanny?

Ans.—I entered Dr. B.'s tent rather abruptly.—I saw Dr. B.'s arms falling as though he was disengaging them from her.

Quest. by same.—Do you know this woman Fanny to have been a camp woman, or follower of the army, and the wife of P. Cumberford, of capt. Page's company?

Ans.—I understood she was.

Quest. by same.—The charge with respect to cohabitation embraces November and December: were you not very sick a considerable portion of that time?

Ans.—No. I was not. I might have been sick at different times during the month of November, but not a *considerable portion*. I was very sick in December.

Quest. by same.—What reason have you to believe she was the wife of a soldier?

Ans.—I have no other reason for thinking so than that she was said to be the wife of a soldier by soldiers of the company to which Cumberford belongs.

Quest. by the Court.—How many times during the month of December did you visit the doctor's quarters?

Ans.—I am unable to say.

Quest. by the same.—About what period did you last perceive any intimacy between the prisoner and Fanny?

Ans.—About the time the troops moved down to their present encampment, which was perhaps the 7th December last.

Quest. by the Prisoner.—Did you understand that I was very much indisposed from the 1st of December until I arrived at this place?

Ans.—I did not.

Quest. by the Court.—At the time this intimacy existed between Fanny and the doctor, was you on good terms with the doctor, and did you ever speak to him about the impropriety of the intimacy?

Ans.—I have ever been upon good terms with the doctor, but never spoke to him concerning the impropriety of the intimacy.

The witness knows nothing of the 1st Specification of the Second Charge, as it regards the number of men on the sick report from the 1st December to the time the troops removed to their present encampment; but does not know that the prisoner visited the sick during that time in their tents.

Quest. by the Judge Advocate.—Had you many sick at that time?

Ans.—Yes, I had.

Quest. by the same.—Were there many cases of extreme indisposition among your men during that time?

Ans.—There were.

Quest. by the same.—Do you know any thing of the general health of the camp during that time?

Ans.—It was very sickly.

Quest. by the Prisoner.—Was the hospital sufficient to contain all those that were not able to attend at my tent?

Ans.—I presume it was not, as several men of my company whom I considered as fit subjects for the hospital were not removed there.

Quest. by the same.—Had you not the right to send to the hospital what men you thought proper?

Ans.—I do not know. I considered you the proper judge.

Quest. by the same.—Did I not request you several times to have your sick who were not able to attend at my tent, carried to the hospital, as it was impossible to pay that attention which they required in their tents?

Ans.—I do not recollect that you did. It is possible you might.

Quest. by the same.—Did I ever refuse to receive into the hospital any men sent by you?

Ans.—I do not recollect sending any but those ordered to be sent there by you.

Quest. by the same.—Did I not furnish sergeant Carr with a flannel shirt, and appear to be extremely anxious for his recovery?

Ans.—You came to my tent to have a flannel shirt made for sergeant Carr, and told me that you had flannel for that purpose, and wanted it immediately. I told you to give me the flannel, and I would furnish a shirt of my own, which was done. The sergeant died the next day, as well as I recollect.

Quest. by the Court.—How many assistants had the prisoner when there were 150 men on the sick report?

Ans.—I do not know that the doctor ever had but one assistant at any one time.

Quest. by the Prisoner.—The night sergeant Carr died, did you not send for me after 10 o'clock at night to visit yourself?

Ans.—I did. You came, and administered to me some drops.

Quest. by the Court.—How often did you visit the hospital during the period mentioned in the specification, and where was the hospital situated?

Ans.—I did not visit the hospital at all since the 1st December, 1812, in consequence of the unpleasant smell. The hospital was situated near the centre of the encampment, near Buffalo, prior to the 7th December, 1812.

Quest. by the Prisoner.—Did you ever make any representations to myself or the commanding officer of the regiment, upon the subject of the bad smell in the hospital?

Ans.—I never made any formal representations, but spoke of it frequently.

Quest. by the same.—Did I or did I not appear to make use of every exertion in my power for the accommodation of the sick in the hospital?

Ans.—I cannot say that you did. Witness recollects particularly that in one case since the 1st November, 1812, he sent for the prisoner to visit a man by the name of Caster in his company, who was extremely sick, that he did not come, and that the witness sent for Dr. Brown, who visited the patient. The witness further states, that the prisoner has frequently refused to visit the sick in their tents.

Quest. by the Prisoner.—Did I ever refuse, when called upon by yourself personally, to attend upon your sick?

Ans.—I never called upon you. I generally sent my sergeant for the doctor.

Quest. by the Court.—Did you know that the message was delivered?

Ans.—The messenger told me he did deliver it.

Quest. by the Prisoner.—Might I not have attended your sick frequently without your knowing it?

Ans.—Had you attended regularly, I should have known it. It is possible you might have attended them in my absence without my knowing it.

As it regards the third Specification of the second Charge, the witness thinks the first part of it is proved as it regards "a gene-

ral remissness in the discharge of his duty,"—by his testimony upon the 2d Specification of said charge. As it regards the charge of "petulance and ill humour, &c." remains to be proven by other testimony. The witness further states, that on the 4th Specification of the 2d Charge, he knows nothing except as it regards a negligent attendance on the sick in their tents. That the prisoner has never visited the sick of witness's company in their tents, except in one instance, within the knowledge of the witness.

Lieut. Col. Coles, 20th infantry, a witness on the part of the prosecution, being sworn, saith,

That as to the first charge and its specification, he recollects some facts that might be of importance. Some time in the early part of the month of November, the witness recollects, before the tents were removed from the ground originally occupied by the 12th and 20th regiments at their camp near Buffalo, he went one night to visit Dr. B. at his tent—after sitting some time with him, took his leave, he thinks, a little before or a little after tattoo—and had occasion, on getting out of the tent, to stop for a few minutes near the door—the night was dark. While he remained, he saw a female come from the back of the tent, and enter the door—when the light shone on her as she entered, he recognized Fanny, wife, he believes, of Cumberland. How long she remained, or what was her business, witness knows not. The witness further states, that early in the month of December, after we had received orders to hut at this place, he went into the prisoner's tent to see him. He was not at home. Fanny was laying in his bed—as the witness left the tent, she requested him to send the prisoner's Bowman to her—she said, the witness thinks, she wanted him to make up the fire. The witness had understood previously to that time, that she had been very sick, and was then recovering.

After Dr. B. joined us at this cantonment, witness was frequently at his quarters. Almost without an exception he found Fanny at his house. On a night when he called to see the prisoner, or lieut. Hite, recollects to have seen Dr. B. sitting on the camp stool on which Fanny was. She was laying in an easy attitude behind him, leaning on her elbow. He recollects also to have seen her have on her head a handkerchief, worn as a turban, with the initials, he thinks, of the prisoner's name on it.

Quest. by the Judge Advocate.—The night that you were in the tent of Dr. B. did you see more than one bed in it?

Ans.—No—but one.

Quest. by the Prisoner.—You are positive the woman you saw go into my tent was Fanny Cumberland?

Ans.—I am positive it was.

Quest. by the same.—Was there not a candle burning in the tent at that time?

Ans.—Yes.

Quest. by the same.—Do you or do you not know that Fanny Cumberland was a matron in the hospital, and of course it must have been frequently necessary for her to visit my tent for the purpose of getting things for the sick?

Ans.—I understood she was attending on the sick.

Quest. by the same.—Was the house at which you saw Fanny Cumberford considered more mine than lieut. Hite's, or Dr. Purcell's, or do you know by what means she happened to be there?

Ans.—I considered it as belonging to the medical staff of the regiment, and particularly under the controul of Dr. B. I do not know how she was brought down. There was a general order to the quarter master to bring down the sick, and every body connected with the regiment who was left at camp near Buffalo.

Quest. by the same.—Did not lieut. Hite and Dr. Purcell occupy the house with me at the time you saw Fanny C. in it?

Ans.—I believe they did.

Quest. by the same.—Dont you know that while Fanny C. was sick in my tent, col. Parker frequently expressed great anxiety about her, and that he visited my tent very frequently to enquire how she did?

Ans.—I recollect col. Parker enquired after her at our meals, but do not know that he ever visited her.

The Court adjourned to meet to-morrow morning 10 o'clock.

Tuesday, 19th Jan. 1813.

The Court met pursuant to adjournment.

PRESENT.

Major Huyck.

Capt. Wallace.

Capt. Chambers.

Sproule.

Myers.

Archer.

Morgan.

Lieut. Opie.

Lieut. Adams.

Randolph.

Mc Gennigle.

Davis.

Ensign Gates.

Lieut. Hite—Judge Advocate.

The Court proceeded to the examination of lieut. col. J. A. Coles.

Quest. by the Court.—At the time you saw Fanny in the seat with Dr. B. was any other person in the room besides those two?

Ans.—There were more I believe than Dr. B. and Fanny in the room. I recollect the names of none but the adjutant. There were some bowmen in the room likewise.

The witness says as to the first specification of the second charge—The day after Dr. B. took charge of the brigade hospital, he came to the witness in the cantonment, and complained that a sufficient number of waiters had not been sent to attend upon the sick. He stated also that they had been sent to the hospital in the most horrid condition, "that several of them, or two or three of them, had been laying for days in their own filth." The witness thought this a most extraordinary communication indeed from the surgeon of the regiment. It convinced the witness that there had been shameful and criminal neglect somewhere, and he instantly determined to set on foot an enquiry which the arrest of Dr. Bronaugh has now devolved in this court.

Quest. by the Prisoner.—Do you know that from the 15th day of

December, 1812, my duties as a surgeon in the regiment ceased, and on what day did I make the communication to you?

Ans.—I believe it was on the 15th December, 1812, general Smyth published an order, requiring a brigade hospital to be fitted up, and I know that men were detailed from my regiment, and also from the 5th and 13th regiments, and an officer sent with them to perform that duty, and I know that the sick from neither regiment was sent to the hospital till the day before this communication was made to me. I considered Dr. B as attached to the regiment, and doing duty therein, until the hospital was completed. It may be important to state, that there were I think more on the sick report than at any time before or afterwards—that there were as many, I am positive.

Quest. by the Court.—Was not Dr. Purcell attending the regiment at this time?

Ans.—Yes.

The witness further states, that upon the 2d specification of the 2d charge, repeated complaints were made to him by officers, of a refusal by the prisoner to lend his professional aid when called upon. The witness further states, that he should feel upon the third specification of the second charge, very unwilling indeed to give testimony as to the first part of this specification, as the materials on which his impressions have been founded are of such a negative character, that he finds it almost impossible to grasp them. Upon the last part of the 2d specification, the witness has seen repeated instances of a want of temper in the prisoner, which he has lamented.

Quest. by the Judge Advocate.—Was this want of temper exhibited towards the sick in camp?

Ans.—Yes. I have seen it exhibited towards those sent to him under regimental orders.

The judge advocate put to the prosecutor the following question:

Quest.—Was the regimental order of the 9th November, 1812,* the order alluded to in the 3d specification of the 2d charge?

Ans.—Yes.

Quest. by the Prisoner to the witness Lieut. Col. Coles.—Was I petulant and ill humoured to the sick, or those sent with them, for not bringing them at the proper hour, and having their sick report signed by the captain?

* *Camp near Buffalo, 9th Nov. 1812.*

REGIMENTAL ORDERS.

The sick call is ordered every morning at eight o'clock, and the sick will attend at the doctor's tent between 8 and 9, beginning with the company on the right, and ending with that on the left of the regiment. A sick report will accompany the sick, and must always be signed by the captain, or commanding officer of the company. Those unable to attend are to be visited by the doctor in their tents.

J. A. COLES, *Lieut. Col. 20th com'dg.*

Ans.—I do not know; but think it was most commonly with the sergeant sent with the sick.

Quest by the same.—Have I not frequently complained to you, that the officers would not comply with col. Parker's order upon the subject of drawing hospital stores?

Ans.—You often complained of the irregular manner in which requisitions for hospital stores were made upon you.

Quest. by the same—Did I not mention to you, since my arrival at this cantonment, that I had one morning received three orders for hospital stores from one company, one signed by the captain, the other two having his name signed by his sergeant?

Ans.—I think I do remember it.

Upon the fourth specification of the second charge, the witness states, that as to the first part of that specification, frequent complaints were made to the witness of the negligent attendance on the sick in their tents. As to the second part of the said specification, when there were more than one hundred and fifty sick, Dr. B. appeared to have as much or more leisure than any other person in camp.

Quest by the Prisoner.—Was it from the representations made by myself to you and col. Parker, that Dr. Purcell was ordered to join the regiment?

Ans.—I think it was in consequence of Dr. Bronaugh's indisposition---he was confined for a day or two, I remember.

Quest by the same.—Do you know that from the 1st December to the time I arrived at this cantonment, I was very much indisposed?

Ans.—I do not know. I recollect that before that time you were indisposed.

Quest. by the Prisoner.—Did I tell you frequently during the month of November, that it was useless to administer medicine to men very sick in open tents, some of them without even one blanket---that I found in almost every instance, that it was productive of more harm than good?

Ans.—Yes. I do remember it.

Quest. by the same.—Did you understand, when the hospital tent was established at the camp near Granger's, that it was intended for the reception of those persons who were unable to attend at my quarters in the morning?

Ans.—Certainly for those who were most sick.

Quest. by the same.—Did you consider that I had the right to give orders for the removal to this hospital, of those sick persons who were unable to attend at my quarters?

Ans.—Undoubtedly---it was your duty to have done so.

Quest. by the Court.—Do you know what was the greatest number of sick at any one time during the period of the specification, in the hospital tent near Buffalo?

Ans.—I do not know. It varied from time to time, as some died, and others were removed to it. It was not capable of holding many.

Quest. by the Prisoner.—Did I make a requisition for one thousand yards of flannel, for the purpose of furnishing each man in

the consolidated 12th and 20th regiments with a flannel shirt, and endeavour in my letter to gen Smyth, to impress upon him their utility as a prevention to disease in a cold climate?

Ans.—I recollect the requisition, but am not absolutely certain of the number of yards.

Quest. by same.—Had I any assistant who rendered service from the 1st of Nov. until Dr. Purcell joined us about the 5th or 6th of Dec. 1812?

Ans.—Doctor Houston I think was an assistant—during his health he was very assiduous.

Quest. by the Prisoner.—Was there ever an order published for my doing duty in the 20th regiment.

Ans.—I considered the 12th and 20th regiments as one regiment, and that the medical staff of both regiments was bound to do duty in either.

Quest. by same.—Was a surgeon and a mate of the 20th regiment sent on here?

Ans.—They were.

Quest. by the Prosecutor.—How was the surgeon of the 20th regiment disposed of after joining his regiment?

Ans.—He was ordered by Gen. Smyth to do duty in the consolidated 5th and 13th regiments.

The court then adjourned to meet tomorrow.

Wednesday, 20th Jan. 1813.

The court met pursuant to adjournment, &c.

Doctor Pursell, a witness for the prosecution, being sworn, saith, The first time I saw this woman (Fanny) was on the morning we were ordered to march after the 20th regiment arrived in camp. Col. Coles came to me, and told me that Doctor Bronaugh wanted to see me, and give me instructions. I went to Dr. B. and made myself known to him. He gave me to understand that he was to go with the troops that were to march, and I was to remain with the sick. He enquired if I had any medicine. The answer that I made was, but a trifle. He directed me to go to his tent and get two small boxes that were there. Then I saw Fanny. She appeared to me to be getting some clothes out for the Doctor; but she was left with me after the troops marched off, to take care of the sick. She continued in that capacity until the troops returned; whether she returned to Dr. B's. tent or no, when the troops did return, is more than I can say, unless it was when she took sick.

Witness states that Fanny Cumberland was brought down to the cantonment, Williamsville, with the other women of the camp. She came into Dr. B's. quarters the evening she arrived, and continued to remain there until Dr. B. removed to the hospital at this place; during that time there was a good deal of familiarity between them. I have seen the Doctor set down upon a stool, Fanny upon another one convenient, the Doctor laying his head upon Fanny's lap. He also said he had got up out of his own bed and gone to Fanny's, or words to that effect, and remained there some time.

Quest. by the Judge Advocate.—When the prisoner left the apart-

ments he first occupied at the cantonment, Williamsville, to remove to the hospital near to this court, did Fanny go with him ?

Ans.—Not immediately, but some short time afterwards.

Quest. by the Prosecutor.—Did you ever see Fanny at the same table eating with the Doctor at his quarters after she came to this cantonment, and how often ?

Ans.—I have. She continued to eat at the same table with him during her stay there, unless it happened to be filled by guests.

Quest. by same.—Did the Doctor invite her to take a seat at the table ?

Ans.—He did.

Quest. by same.—What was the state of her health during that time ?

Ans.—She was in a state of pregnancy ; she did not seem to be affected with any symptoms of disorder but those that accompany a state of pregnancy.

Quest. by same.—Were you not several times at the Doctor's quarters at camp near Buffalo during the month of November ?

Ans.—I do not recollect.

Quest. by the Prisoner.—Who invited her first to set down at the table with us ?

Ans.—Doctor Bronaugh invited her the first morning.

Quest. by same.—Was there more familiarity between Fanny and myself, than other officers in the house ?

Ans.—I did not see any of the officers make as free with her as the Doctor did.

Quest. by same.—Who came to the house at the same time with Fanny Cumberford ?

Ans.—I came into the house some short time before she did ?

Quest. by same.—Had I gone to bed ?

Ans.—I do not recollect.

Quest. by same.—How did she come to this cantonment ?

Ans.—She came in a sled.

Quest. by same.—Did she come to my quarters by my orders, or with my previous knowledge ?

Ans.—I do not know.

Quest. by same.—Did I say that during the nights I told you I had gone to Fanny's bed, I had been very unwell ; that my feet were very cold ; that I wrapped myself in a blanket, and laid on the foot of her bed with my feet to the fire, and that she would not let me draw any of the bed clothes upon me ?

Ans.—I think I did hear the Doctor say his feet were cold, but as to the rest of the question I have no recollection.

Quest. by same.—Was there always a large fire in the room at night ?

Ans.—That is more than I can tell, for I slept very sound ; I believe there was always more or less fire during the night.

Quest. by the Judge Advocate.—Who besides Doctor B. and Fanny slept in the house ?

Ans.—Lieut. Camp, Adjutant Hite, myself, and several Bowmen.

Quest. by the Court.—Was the table that Fanny eat at, at the

time you allude to, considered exclusively Doctor B's. or was it a mess table?

Ans.---It was a mess table.

Quest. by Prosecutor.---Was Fanny Cumberland engaged in the discharge of her duties as matron at any time during her stay there?

Ans.---No.

Quest. by same.---What was she generally employed about?

Ans.---I think I saw her sometimes sewing.

Quest. by Prisoner.---Was she engaged in making shirts for adj't. Hite, 12th regiment.

Ans.---Adjutant Hite had spoken to her to make him some shirts. If she was engaged in that work, it was but a few days before she went to the hospital.

Quest. by ---.---Did she sleep in the Doctor's quarters?

Ans.---She did.

Quest. by the Court.---Was there a regimental or brigade hospital at the time Fanny staid at the Doctor's quarters. If there was not, was there any use for a matron?

Ans.---There was a brigade hospital provided for, but there were no patients in it.

Upon the 1st specification, 2d charge, witness states that he came to the cantonment, Williamsville, some short time after the troops moved from their encampment near Buffaloe to their present encampment. To the best of his knowledge there were some days elapsed in which Doctor Bronaugh did not attend the sick in camp.

Quest. by the Judge Advocate.---Do you know how many days elapsed?

Ans.---I do not know.

Quest. by same.---Was Doctor B. in a situation to attend to the sick?

Ans.---I do not recollect to have heard him complain.

Quest. by the Prosecutor.---How long after you came to this encampment was it before Doctor B. removed to the hospital?

Ans.---It was some time better than a week.

Quest. by same.---How often did he visit the sick of the 12th and 20th regiments during that time?

Ans.---I knew of his having visited the sick in camp but twice during that time, and that he administered to them twice during that time when they came to his quarters at the beating of the sick drum.

Quest. by same.---Had he visited or examined them oftener, would you have known it?

Ans.---I believe I should.

Quest. by same.---How many men were there on the sick report during that time?

Ans.---I do not correctly know.

Quest. by same.---What was the Doctor generally engaged about during that time?

Ans.---A great part of his time he was doing nothing that I could observe.

Quest. by Prisoner.---Might I have visited the sick in camp twelve times during the day without your knowing it?

Ans.-- I think not. It generally took me half the day to go around the sick; when I left the house I frequently left the Doctor there; when I returned from visiting the sick I frequently found him there; and frequently in the latter part of the day he was about the house; and moreover I never found my prescriptions altered. If the patients happened to have used their medicine in the interval of my visits, I found them not supplied.

Quest. by same.---The first morning I went round with you, did I prescribe for the sick?

Ans.---You prescribed for some of the sick. You did not go round to them all.

Quest. by same.-- Did I order you the day after your arrival at this cantonment, to attend upon the sick?

Ans.---I do not recollect. However, I did attend upon the sick, commencing that morning.

Quest. by same.---Was I frequently absent from the house which we occupied from the time you arrived at this cantonment until I removed to the brigade hospital?

Ans.---You were sometimes absent, but how often, or how long, is more than I can tell.

Upon 2d specification, 2d charge, witness states there was one case in which Dr. B did not attend when called upon by witness.

Quest by the Judge Advocate.---Was the patient ill?

Ans.---Yes. If I remember right it was the first morning I attended the sick at this cantonment. I found the man affected with a palsy of the lower extremities, and a retention of urine, which he told me had existed for three or four days. I procured a catheter, and asked Dr B to assist me. He made some reply, I do not recollect what it was; however, he did not attend. From the quantity discharged, the urine must have retained at least two days.

Quest. by the Prosecutor.---Did you state to the Doctor your reasons for wishing him to attend?

Ans.---I told him the situation of the patient.

Quest by the Prisoner.---Did I ask you if you knew how to introduce a catheter? Upon your answering in the affirmative, did I order you to introduce it, as it was necessary for me to go to the brigade hospital for the purpose of having bunks fixed?

Ans.---I do not recollect

Witness knows nothing of 3d specification; has heard prisoner swear at the soldiers, but knows not for what cause.

Witness knows nothing of 4th specification.

Quest. by the Prisoner.---Is the introduction of the catheter a simple operation?

Ans.---Sometimes it is introduced with ease, and at other times the operation is attended with difficulty.

Quest. by same.---When there is a paralysis of the muscles about the penis, is it always simple and easy to introduce the catheter?

Ans.---It depends upon circumstances.

Adjourned 10 o'clock tomorrow.

Thursday, Jan. 21st, 1813.

The court met pursuant to adjournment.

The witnesses failing to give a punctual attendance, the court is adjourned till tomorrow, 10 o'clock.

Friday, Jan. 22d, 1813.

The court met pursuant to adjournment.

Captain Lewis S. Taylor, a witness for the prosecution, sworn, saith,

I believe it was early in the morning of the 29th Nov. 1812, I saw Fanny, said to be Fanny Cumberford, in the tent of Dr. B. She was laying in one bed, and he was in another. And afterwards, at the cantonment, Williamsville, I saw her at the table of Dr. B. at his quarters.

Quest. by the Judge Advocate.---When you saw her in the tent of Dr. B. on the 29th Nov. was she sick at that time?

Ans.---I do not know.

Quest. by same.---Was the table at which you saw her eating with Dr. B. exclusively his, or was it a mess table?

Ans.---I do not know. It was then occupied by several gentlemen

Quest. by the Prosecutor.---Was it not in Doctor Bronaugh's quarters?

Ans.---It was in his reputed quarters.

Quest. by ----- *Were there any other officers at the table?*

Ans. -- There were.

Quest. by the Prisoner.---At the time you saw Fanny Cumberford at my tent, was her husband there also?

Ans.---He was not, to the best of my knowledge; and I saw no other person.

With regard to 1st specification, 2d charge, witness says that for several days while the soldiers of the 12th and 20th regiments were engaged in building their huts at the cantonment, Williamsville, he never saw Dr. B. in the encampment.

Quest. by Judge Advocate ---Were there many sick at that time?

Ans. ---Judging from my own reports there were. I generally reported in my company from 40 to 60. I never saw the reports of the other captains.

Quest. by ----- *Was Doctor B. engaged in any duty at that time?*

Ans.---I know none except that he was engaged in the affair between generals Smyth and Porter, as surgeon.

Quest. by same ---Was he attending do you know to the fitting up the brigade hospital at this place?

Ans.---I understood that a brigade hospital was fitting up, and that Lieut. Blackwell was detailed for that duty.

Quest. by Prosecutor.---Had Doctor B. attended the sick regularly would you have noticed it?

Ans.---It is probable I should. I was scarcely ever absent from camp.

Quest. by Prisoner.---During the time mentioned by you was Doc-

tor Purcell doing duty in the consolidated 12th and 20th regiment?

Ans.---He was in the latter end of the month of Dec. We had been down at our present encampment some time previous to the arrival of Dr. Purcell.

Quest. by the Prisoner.---Do you know at what time I arrived at this cantonment?

Ans.---I do not recollect at what time. It might have been at the time we did, or a few days afterwards.

Quest. by the Judge Advocate.---Were there not a number left sick at the camp near Buffalo?

Ans.---There were. I left several of my men.

Quest. by same.---Were not the healthiest soldiers moved to this encampment first?

Ans.---Yes.

Quest. by Prosecutor.---Was not Doctor Purcell left with the sick at camp near Buffalo, and the only person you saw attending to the sick particularly?

Ans.---He remained with the sick as I understood. I do not recollect whether I saw a physician or not in the tents from the 2d to the 5th Dec. I was sick, and absent from camp during that time.

Quest. by the Court.---Was your sick report considerable before the last sick were brought down to this cantonment?

Ans.---I had from 10 to 25 sick in my company.

Quest. by -----.---In this interval were there any bad cases?

Ans.---There were. I lost two out of my company. I lost one on the 13th and one on the 18th.

Quest. by the Prosecutor.---Do you remember Doctor Purcell going round and taking a list of the sick in their tents after he came from Buffalo?

Ans.---I do recollect it; but not the precise time. I think it was after he came from Buffalo. He asked me for such a list.

Quest. by the Prisoner.---Was I at this time on the -----

Ans.---I do not recollect. About that period you were at the cantonment.

Quest. by same.---Did you see me visit captain Stanard several times about that period at his quarters as physician?

Ans.---You did once or twice.

Quest. by the Judge Advocate.---At the time Doctor Purcell applied to you for a list of your sick was he acting as surgeon's mate to the consolidated 12th and 20th regiments?

Ans.---I believe so. I always understood he was acting as a mate.

Quest. by the Prosecutor.---Do you recollect the surgeon of the 5th regiment coming to see me before I could procure any medical aid from the 12th and 20th.

Ans.---I understood the surgeon of the 5th waited on you. I do not recollect that I saw him.

Quest. by the Prisoner.---Do you know that I was at this cantonment at the time you understood the surgeon of the 5th regiment was attending on captain Stanard?

Ans.---I do not recollect.

On the 2d specification, 2d charge, witness states, that since our arrival at this cantonment he waited on Dr. B. and sent a message to him once or twice, and left one with the adjutant of the regiment, requesting Dr. B. to attend upon one Hackney of my company who was very ill. I understood that Dr. B. did not attend, and learning that the patient could not obtain medical aid, I for two or three nights borrowed an opium pill of Lieut. Hatchett to administer to the sick.

Quest. by the Prisoner.---Did I complain to you about the 23d or 24th Nov. that I had not received a sick report from your company for several days?

Ans.---Yes. You did make such a complaint to me. My men felt an aversion to remain as long in the cold as they were obliged to do, and also expressed much abhorrence to waiting on Dr. B. in consequence of the abuse he lavished upon them, as I was informed by the person who conducted them. My sergeants were also sick, and I had but one corporal in the company who could write, and my time was much occupied in other more active duties.

Quest by same.---When I made the complaint did you assign any other reason to me than that your sergeants were all sick, and that you had to do all the duty in the company yourself?

Ans.---I did not. I felt a delicacy in assigning the true reasons, but I made complaint to Col. Coles.

Quest. by same.---Previous to this, had you been in the habit of requesting me to strike all those off the sick report that I considered not indisposed?

Ans.---I had. I wished you to do so, as I knew many would attempt to screen themselves from duty by reporting sick.

Quest. by same.---Did I receive a sick report from your company from the 20th Nov. until after my arrival at this cantonment on the 15th Dec.

Ans.---I do not recollect that you did.

Upon 3d specification, 2d charge, witness says he does not recollect to have seen Dr. B. in a tent of his company but twice or three times. I have not seen him taking the rounds at this cantonment but twice, and then in company with Dr. Purcell. I do not know whether or not he went entirely round to the sick.

Quest. by the Prosecutor.---Had you many sick in the tents?

Ans.---Generally from 10 to 40.

Quest. by the Prisoner.---Did you frequently see me in the row of tents at the encampment near Grangers?

Ans.---I have seen you there several times.

Quest. by the Prosecutor.---When you saw Dr. B. in the row of tents, what did he appear to be engaged about?

Ans.---I have seen him in conversation with the sick soldiers, and the waiters on the sick.

Quest. by the Prisoner.---Had you generally in your tents from 10 to 40 who were unable to attend at my quarters?

Ans.---At all times there were some who I thought unable to attend.

Quest. by same.---Did I frequently direct you to send all those who were unable to attend at my quarters to the hospital tent?

Ans.---You did. My not having sent them was owing to the aversion the sick felt to going there. Many of them said they had as willingly die as go there; alleging that if they went they would die; and frequently I had to compel them by threats to go; and three particularly left the hospital while very ill, without the knowledge or consent of the Doctor, as I was told; and in one case I ordered sergeant Rudder to return to the hospital. He said he would not, and that he would sooner die in his tent.

Quest. by the Judge Advocate.---Do you know whence this aversion arose?

Ans.---I was told it was owing to many having died there, and the filth of the place.

Quest by the Prisoner.---Did you ever mention to me the aversion your men had to going to the hospital?

Ans.---I do not recollect that I did. I mentioned it to almost all the officers of the 20th regiment.

Quest. by same.---Did you ever send a list of those who were ill in tents to me, with a request that I would attend them?

Ans.---The whole of the sick were included in one list. I had ordered that those who were unable to attend upon the doctor, should have a mark affixed to their names.

Quest. by Judge Advocate.---Do you know that this was done?

Ans.---I have every reason for thinking so.

Specification 4th, charge 2.---As to the hospital, witness knows nothing---nor of the first part of the said specification, more than he has heretofore stated.

Quest. by the Prisoner ---Did I complain to you of the low situation in which sergeant Stead and Rudder, and private Davis, were sent to the hospital tent, and request that you would immediately have all those sent who were unable to attend at my quarters?

Ans.---You did; and agreeable to your orders I sent those men to the hospital. One died in three or four days after his arrival---sergeant Rudder returned in 8 or 10, or perhaps 12, in a very low situation, and refused to return. Davis left the hospital some few days, I think, after that, and went out of camp, and through fear of being sent back, kept himself out of my sight, as he informed me.

Quest. by the same.---Was Rudder considerably better when he returned to his tent?

Ans.---I think there was no alteration.

Lieut. Willis, a witness in behalf of the prosecution, sworn, saith--

He knows nothing of the 1st specification, 1st charge. He says he saw Fanny at the quarters occupied by Dr. B. and adjutant Hite.

Quest. by Prosecutor.-- Did you see her eating at the same table with Dr. Bronaugh?

Ans.---Yes. I saw her eating at the same table once, and only once. I was at that time at the table, and several other officers

Quest. by the same.---Was it after you sat down that she took her seat, and do you know who invited her?

Ans ---It was after I sat down that she took her seat --by whom she was invited I know not---my impression is, she was invited by some one.

Quest. by the same.---Did you know that she was a camp woman?

Ans ---I had heard she was the wife of a soldier.

Quest. by the Prisoner.---Was the table at which you saw F.Cumberland considered as a mess table?

Ans.---I believe it was I considered it so.

Quest. by the same.---Do you know at what time I arrived at this cantonment?

Ans.---I do not.

Witness knows nothing of the second charge, or any of its specifications. I arrived here some time after the troops removed to this cantonment, and did not stay in camp.

Adjourned till to-morrow morning 10 o'clock.

Saturday, the 23d Jan. 1813.

The Court met pursuant to adjournment. Ensign Hogan, a witness in behalf of the prosecution, sworn, saith---

He saw Fanny in the quarters of Dr. Brounagh in the month of November. She was laying in the bunk or birth of Dr. B.---it was said she was sick. I saw her afterwards at the Dr.'s quarters at Williamsville. At the time I saw her at the cantonment Williamsville, she was getting better---she did not appear to be sick. While she was there, I saw Dr. B. sit down on a stool, and lay his head upon her knee. I saw no liberties between this woman and Dr. B. except that I stated having seen him rest his head upon her knee.

Specification 1st, charge 2d.---Witness says he knows nothing that occurred upon this specification until Dr. B. joined the troops at cantonment Williamsville.---says there was a number sick, what number knows not, in capt. Stanard's company. For some time, perhaps two or three days, the sick had no attendance from any physician. During that time I sent every day to camp near Buffalo for medicine and medical stores. I generally directed my note to Dr. Purcell, and stated the complaints of the men, and received from him medicine, and directions how to use it. At that time there were no medical stores at our present encampment, and no physician had removed here. I understood Dr. B. was down, but did not see him---he was attending on gen Smyth. The first time I saw Dr. B. was at the hut where capt. Stanard was laying sick. Dr. Purcell had walked down that day, and had visited the sick in camp-- this was a short time after the troops removed to this cantonment. Dr. P. and myself were in the room with capt. Stanard, when Dr. B. and col. Coles entered. The col. observed, he had brought the medical staff--some of the other officers observed, we had part of it there already. The next day I saw Dr. B. in camp visiting the sick---he had medicine, and went through the huts---there were but two or three finished, and those were occupied by the sick. Dr. B. visited the sick from that time every day very attentively indeed, until Dr. Purcell came down to join the regiment,

after which Dr. P. was the principal physician who went through the camp and visited the sick. Shortly after this time Dr. B. began with the brigade hospital at this place.

Quest. by the Prosecutor.---How often have you seen Dr. B. going around and visiting the sick, before they were removed to the hospital?

Ans.---Until Dr. Purcell came down, which was perhaps the space of a week, Dr. B. visited the sick with great attention. His attention was remarked by almost every officer of the 20th regiment.

Quest. by the same.---Were there not several very bad cases in my company previous to Dr. Purcell's coming down, which were much neglected, particularly that of corporal Vineyard?

Ans.---There were many cases of extreme indisposition. I know that Vineyard was very sick---he lost the use of his lower extremities, and was compelled to be carried in and out like a child. Dr. B. attended and prescribed for those cases, particularly for this man, whom I pointed out to him. After Dr. Purcell came down, he attended him.

Quest. by the same.---Did Dr. B. examine or ever administer any thing to his relief?

Ans.---Dr. B. examined him and every one in the hut, and did give Vineyard some powders, or some species of medicine.

Quest. by Prisoner.---Did you see me at Henshaw's several times endeavouring to rent his house for a hospital?

Ans.---I saw you there once.

Quest. by same.---Did you frequently see me at the brigade hospital at the time it was fitting up?

Ans.---I do not recollect seeing Dr. B. at the hospital but once, and I saw him once perhaps going to or returning from it.

Witness states on 2d specification, 2d charge, that since the 1st November, 1812, he called on Dr. B. a little after reveille, one morning, to see a man that had run mad out of the hospital---his name was King. This man was sitting on a stump, was shaking, and appeared to be very ill indeed. I endeavoured at first to get him in the hospital. He seemed determined not to return, and it being but a few steps to the doctor's tent. I determined to call on the doctor, and know what should be done with him, before I would compel him to return. I called at the tent door to know if the Dr. was within---he answered me. I then stated to the Dr. this man's situation, and requested him to come and do something for him. The Dr. answered that he could do nothing then-- to have him carried back to the hospital. I had the man taken back, and he died that day or the next---I think he died that afternoon. At the time I called on the Dr. I understood he was not up, although the reveille had beat at least half an hour.

Witness frequently mentioned to Dr. B. that he had a number of sick men in the tents---perhaps at that time 30, or more, for nearly all our company was sick. The answer I generally received was, that the Dr. was particularly engaged attending to those in the hospital.

Quest by the Prisoner.---Did I state to you any reasons for not being up at that time, and what were they?

Ans.---I do not recollect your stating any reasons.

Quest. by the same.---Did I see that man about sun rise, and administer medicine to him?

Ans.---I do not know whether you did or did not---I immediately left there. I was attending on the laboratory, and when I returned to camp, understood he was dead.

Quest. by the same.---Did I frequently direct you to have the sick of your company who were unable to attend my quarters, removed to the hospital, as they could have much more attention paid them, and their situation be rendered much more comfortable?

Ans.---You did---but I did not think they could be more comfortable in the hospital, as it was very much crowded.

Upon the 3d specification, 2d charge, witness states, that the doctor was very petulant. He has heard him curse the sick frequently, and tell them, if they did not attend at the hour, he would not be pestered during the whole day---and that the prisoner said, God damn them, they pestered him every hour in the day--that this ill humour was shown to those sent to him after the beating of the sick drum, agreeable to regimental orders, 9th November, 1812.

Quest. by Court.---Was this ill humour shewn to those sent to the Dr. after the beating of the sick drum, and who attended between the hours of 8 and 9 o'clock, pursuant to regimental orders?

Ans.---I cannot say whether it was to those who attended between the hours of 8 and 9 o'clock, or any that may have come afterwards. It was, I recollect, in the morning.

Quest. by Prisoner.---Was I petulant and ill humoured to the sick, or only to those who were sent with them, for not bringing them at the proper hour, and having their sick reports signed by their captains?

Ans.---I thought you were petulant and ill humoured to both.

Quest. by the same.---Did you ever hear me curse a man who was really sick, let him come at what hour he would?

Ans.---I have heard you curse the whole party---damn them all. This was perhaps at the time the doctor was quitting his tent, and the—

Quest. by the same.---Was I doing duty during that time in the consolidated 5th and 13th regiments?

Ans.---I do not know whether it was or was not at that time. I recollect you told me you had to attend there, as well as on the sick of your own regiment.

Quest. by the Prosecutor.---Did Dr. Bronaugh ever visit the sick in their tents, conformable to the regimental order of the 9th November, 1812?

Ans.---I never saw Dr. B. visit the sick of the company to which I belong in their tents, during the time we lay at camp near Buffalo, since 1st November, 1812.

Quest. by Court.---Was the prisoner furnished with a list of the sick in their tents?

Ans.---He was furnished with a list of the sick of the company, which was sent by a sergeant, with such of the sick as were able to accompany him, noting those in the hospital tent. This

list was sent every morning previous to the 25th November, 1812. After that time we were marching and counter-marching until I left the camp near Buffalo.

Fourth specification, 2d charge.---Witness states, as to his negligent attendance on the sick in their tents, he knows nothing, never having seen the prisoner among the tents of the company to which witness belongs. Witness further states, that he has frequently visited the hospital, and always heard the sick there complain for the want of something. --That he has often seen the prisoner there as late as 9 or 10 o'clock at night.---That he believes the prisoner was in the habit of making visits to the hospital at those hours. The witness further states, that sergeant Carr, the orderly sergeant of the company to which he belongs, was in the hospital tent when I first saw him.---There he was laying on some filthy straw, in a very filthy condition. His boots had not been taken off, as the waiters told me, from the time he came in. I recollect complaining to the doctor of that man's situation. He alleged it was owing to the damned negligence of the waiters. I had the sergeant's boots hauled off, and my camp stools carried there, and the sergeant put on them. The doctor then had some vinegar brought, and had his feet, hands, and temples, bathed in it--the sergeant died next morning. Witness states, that in regard to the treatment of the prisoner to Kersy---the patient complained that he could get nothing done for him. The Dr. was then in the hospital tent. I asked the Dr. to come and see him, which he did. I told the Dr. what Kersy had complained of---the Dr. said he was a damned liar--he had put blisters on him, and he had pulled them off. Kersy replied, that they would not draw, and that they had rubbed off. The Dr. seemed to be in a passion, and said, God damn him, if he would not follow his directions, he could not expect to recover, or words to that effect.

Quest. by the Prisoner.---How long did Kersy live after this conversation?

Ans.---I believe he died the next evening. I was much astonished by the death of this man. He was among the most hearty men I had ever seen.

Quest. by the Prisoner.---Were other blisters applied, and the waiters ordered to keep them on, and what directions did I give them concerning this man?

Ans.---I do not know whether other blisters were applied or not. I heard Dr. B. direct the waiters to get others, and put them on, and, God damn him, to tie him, if he did not permit them to remain.

Quest. by same.---Did I frequently complain to you of the improper persons sent as nurses to this hospital, and tell you that I could get them to do nothing, unless I was constantly in the hospital, and that I was not only physician, but that I had frequently to act as nurse?

Ans.---You did frequently complain that you could get the waiters to do nothing---that they were very bad waiters. I believe they were very bad waiters.

Adjourned to-morrow morning 10 o'clock.

Sunday morning, 24th January, 1813.

The Court met pursuant to adjournment, and adjourned till to-morrow morning 10 o'clock, it being the sabbath.

Monday, 25th January, 1813.

The Court met pursuant to adjournment. Lieut. Hayes, a witness on the part of the prosecution, sworn, saith—

First specification, 1st charge.—That some time in the month of November, he went frequently into Dr. B.'s tent, and saw Fanny there. That she would frequently call to the guard for things she would want, and use as much authority as if she had been at home.

Witness further states, that when he came to the cantonment here, he still found her in what he understood to be Dr. B.'s quarters; and one day particularly he happened there with an officer, this woman came and took her seat at the table.

Quest. by the Judge Advocate.—Were there any other officers at the table at the time you saw this woman at it?

Ans.—Yes.

Quest. by the Prisoner.—By whom were you invited to dine at that table?

Ans.—By several.

Quest. by the Court.—Were you invited to dinner by Dr. Bronaugh?

Ans.—I do not recollect that I was invited particularly by him.

Quest. by the same.—Was Dr. B. present at the time that Fanny C would call and direct the guard to whatever she wanted?

Ans.—He was not.

Quest. by the same.—Was he present at any other time?

Ans.—I think he was, but I am not positive.

Specification 1st, charge 2d.—Witness was sick during the time charged therein. Dr. B. came to the tent occupied by him frequently, whether to visit witness or not, cannot say, and never prescribed any medicine, notwithstanding his repeated representations of his illness. Dr. Purcell attended witness after 1st December, and prescribed and administered medicine, by which he was cured partially.

Quest. by the Judge Advocate.—Do you know that there were more than 150 men on the sick report since the 1st December?

Ans.—I do not. I was either sick, or convalescent out of camp, until 1st January.

Quest. by the same.—Do you know that Dr. Bronaugh failed to visit the sick for days together, when there were more than 150 men on the sick report?

Ans.—I do not.

Second specification, 2d charge.—Witness states, that he called on prisoner frequently for professional aid for himself—who did not refuse, but failed to comply with witness's request, and would reply that it was the lippo, or something of that kind, in a manner apparently in jest.

Quest. by the Prosecutor.—Were you, in consequence of the prisoner's refusing to attend upon you, compelled to send to Buffalo for Dr. Purcell?

Ans.—Yes. He attended and administered medicine.

Quest. by the Judge Advocate.—What time did Dr. Purcell attend upon you?

Ans.—I cannot recollect the date—it was after the 1st Dec.

Quest. by the same.—Did Dr. Purcell continue at the camp afterwards?

Ans.—No. He returned to Buffalo.

Third specification, 2d charge.—Witness recollects being present in Dr. Bronaugh's tent, when a message or note arrived from lieut. Howson, requiring some medicine for lieut. Gee, who was then laying very sick. Dr. B. replied he was no apothecary, and by God he would not put up medicine, and besides, naming some of the articles, said he had not such in the chest.

Quest. by the Judge Advocate.—Where was lieut. Gee at the time this message was sent?

Ans.—He was at a house near camp.

Third specification, 2d charge.—Witness knows nothing.

Fourth specification, 2d charge.—Witness states that he never saw Dr. Bronaugh in one of the tents of the company to which witness belongs (capt. Stanard's.)

Quest. by the Prisoner.—Were you on the sick report generally from the 1st Nov. until the last of Dec.?

Ans.—I cannot say positively.

Lieut. Gee, a witness for the prosecution, saith, upon 1st specification, 1st charge, That he has been frequently in Doctor B's quarters at camp, Flint Hill, and has seen Fanny in his tent, and has observed during those visits, Fanny laying on a bed, the only one in the tent that the witness saw; has frequently seen her at the quarters of the prisoner at cantonment, Williamsville, and once at his table.

1st Specification---2d Charge. Witness states, that since he has come to this cantonment, he has seen Dr. B. visiting the sick two or three times.

Quest. by the Judge Advocate.—Do you know that there were more than one hundred and fifty on the sick report since the 1st Dec 1812?

Ans.—I do not know that there were more, but suppose that there were that number, or thereabouts.

Quest. by same.—Do you know that Dr. Bronaugh failed to visit the sick for days together, when there was the number you state on the sick report?

Ans.—I do not know. He might visit the sick without my knowledge. There have been days that I have not seen him in the cantonment during the time that there was that number sick?

Quest. by the Prisoner.—Were you generally in camp?

Ans.—I slept out of camp. Some mornings I was late coming to camp. Generally I got there before he could have visited the sick without my knowledge. After Dr. Purcell came to the camp I never knew Dr. B. to visit the sick but once or twice.

Quest. by the Prosecutor.—Were there not many very bad cases in the company to which you belong that were neglected by the Doctor?

Ans.---I suppose there were, having found them without medicine.

Quest. by the Prisoner.---Do you know that those men received no medicine?

Ans.---I do not directly know.

2d Specification---2d Charge. Witness knows nothing.

3d Specification---2d Charge. The witness was sick absent from the camp near Buffalo during the greater part of the month of Nov. 1812

The witness further states, that at this cantonment, the sick men of captain Taylor's company were sent when the sick call was beat to the Doctor, and he has heard Dr. B. curse them, and the sick of the other (captain Stanard's company) and send them off, telling them at the same time there was nothing the matter with them. One instance particularly witness recollects of a man in captain Stanard's company who had the itch very bad. He observed to the Doctor he had it so bad he could not work. He was sent off without any remedy at that time. Witness states that he once while at camp near Buffalo sent a waiter to Dr. B. for some hospital stores. They were not sent. Witness then waited on Dr. B. who said the waiter must have misrepresented the matter, and added that any time I should send or come for hospital stores I should have them.

Quest by the Prisoner.---Was the man who had the itch brought to me as a patient, or to be examined whether I thought him unable to perform his duty?

Ans.---I understood he was a patient. He came alone.

Quest. by same.---Was it not about 12 o'clock that he came?

Ans.---It was somewhat earlier, but I do not know the hour.

Quest by the Court.---How often have you heard the prisoner curse the sick?

Ans.---I cannot say how often, but I have heard him curse them frequently.

Quest. by the Prisoner.---Do you know that those men who were cursed by me were really sick, or were they only pretending sickness for the purpose of being exempt from duty?

Ans.---I do not know. I suppose they were sick. They had been laid up, and had been visited by the Doctor. They were sent as sick men.

4th Specification---2d Charge. Witness does not know that the prisoner ever visited the sick in their tents at camp near Buffalo since the 1st Nov. 1812, except in one instance of a boy who was sick in witness's tent. Witness has visited the hospital at camp near Buffalo, and has found it in wretched condition. The straw on which some of the sick laid was wet.

Quest. by the Prisoner.---At what time did you visit this hospital?

Ans.---About the 1st Dec I think

Licut. Hatchett, a witness for the prosecution, saith, That he has seen Fanny in the tent of Doctor Bronaugh at camp near Buffalo. She was said to be sick. Has likewise seen her at the quarters said to be Dr. B's. at camp, Williamsville.

Quest. by the Court.—Will you state to the court whether the Doctor and Fanny lived together as companions?

Ans.—I have seen him use familiarities with, and seen her dine at the same table with him, and by his invitation, as well as I recollect.

Quest. by the Prisoner.—Were you invited to dine at that table by me?

Ans.—I was invited to dine by Doctor Purcell.

The interposition of various duties, and the indisposition of some of the members of the court, occasioned an adjournment from time to time until the 18th day of February, 1813, when the court was adjourned sine die, without having made further progress in the trial, and the charges having been formally withdrawn by the prosecutor, was dissolved by order of Major Gen. Lewis on the 25th day of April, 1813.

R. G. HITE, Judge Advocate.

NOTE.—When this adjournment took place on the 18th Feb. there were still several witnesses to be examined on the part of the prosecution.

NO. 11.

Copy of the Memorial of J. P. Preston, colonel in the army, to the senate.

French Mills, 26th Dec. 1813.

(MEMORIAL)

James P. Preston, colonel in the army, respectfully submits the following memorial to the senate of the United States; and solicits the attention of that honourable body, to a subject wherein he, as an officer in the service of his country, and as a man of feeling, can but be deeply concerned.

Your memorialist regrets the existing necessity for the presentation of this paper—but in the highly respected body now addressed, he beholds the only, the last alternative (every other step having been adopted and failed) wherein he hopes and confidently believes, to see a restoration of that departed justice—under the existence of which, he long, long, has suffered.

Your memorialist, therefore, will plainly, though with candour, unfold the subject of grievance, thereby affording your honourable body the fairest opportunity of judging of the validity of the cause of complaint, as founded on the facts herein adduced.

He was appointed a lieutenant colonel and arranged to the 12th reg. infantry, on its first organization—About the same period, also, was appointed J. A. Coles, as major to the same. In this state of formation did the regiment continue for some months—till at length major Coles was promoted to the lieutenant colonelship of the 20th

infantry. In process of time, the colonelship of his own, the 12th regiment, became vacant by the advancement of the then colonel Parker, to the rank of brigadier general. To fill this accidental vacancy (your memorialist is yet amazed at the relation of the fact!) was *selected* and appointed lieutenant-col. Coles! In this irregular preferment *he at once* saw his *rank* as an officer disregarded---his *right* as a soldier annihilated---and all military etiquette set aside! He beheld in this gentleman, his co-divant major ('tis true by *no direct*, though circuitous management) his colonel: and immediate commanding officer!! A parallel may be found on the other, but not on this side the Atlantic.

In this mortifying situation, your memorialist remained for some time, until his accidental promotion to the command of the 23d infantry. This but little ameliorated the injury his rank and his feelings had sustained---though being exceedingly desirous to promote, as far as was practicable, the interest of the service, he resolved to make the best of his condition, and to forget if possible (at least for the present) the subject of *rank*.

Your memorialist then thought to retain the command of his original and favourite corps, the 12th regiment. Such was the reciprocal and manifest agreement, with commanding officer, officers and men, that he even then determined to relinquish the claim to the first, provided he could permanently hold the latter. Accordingly in the spirit of conciliation, he proposed to col. Coles an exchange of commands, and warmly urged the proposition, replete as he believed it was with justice---but without avail. He was seconded almost unanimously by his officers: they voluntarily and indeed without his knowledge, respectfully addressed the hon. the Secretary of War, expressive of the same wish---this too had no effect.

Your memorialist at this juncture was in command of the regiment in question---and at the time serving with the army at Fort George. Brigadier general Boyd, the commanding officer at that post, perceiving the hardship of the case, directed your memorialist to continue in the said command until further orders. Thus situated he remained from the middle of summer till the time of the departure of the army from Grenadier Island late in October last. Then for the first time during the past campaign, did appear col. Coles---He demanded the 12th regiment---The General decreed in his favour. Thus was wrested from the auspices of your memorialist the small, though confided and confiding band;---both believed,---both fondly hoped to see their patriotic ardour, now resolved into deeds of glory---to themselves---and to their country! It was otherwise determined: and only for the magnanimity of the 13th regiment, the officers of which having generously solicited your memorialist as their leader---he would have found himself a melancholy volunteer, following the destiny of his country's arms, wheresoever they should have directed.

Therefore, believing, as he does, that justice is wholly on his side, your memorialist confides, by the power and equity of your much respected and honourable body, that he may *now*, forthwith be restored to his *rank* and to his *regiment*. To his *rank*, because

it has been demonstrated, that whilst your memorialist was lieutenant-colonel--col. Coles was major, and that by irregular and rapid strides, the said col. Coles has not only been made a colonel, out of turn, but by consequent increased injustice, arranged to a regiment not his right!--and to his *regiment*--Because by the re-existence of the one, the other must follow--because your memorialist greatly exerted himself, not only in regard to procuring recruits, most of whom are personally known unto him, but also in marching them to the frontier, and there strenuously endeavouring to perfect their discipline. And finally, *because* it is the *almost* unanimous wish of the officers composing the corps, that your memorialist should resume the command of this regiment,--which on two several occasions has been incontestibly evinced, and is decisively in favour of your memorialist, as it is decisively disapprobatory of col. Coles. And further your memorialist prayeth not.

Addressed on the back to "The Hon. the Senate of the U. S.

NO. 12.

Copy of a Memorial of thirteen Officers of the 12th Regiment, to the Senate.

Camp, French Mills, Dec. 11th, 1813.

The Officers of the 12th Regiment of United States' Infantry, beg leave respectfully to present the following Memorial to the Honourable Senate of the United States, and to call their attention to a subject upon which, however disagreeable in its nature, their anxiety for the welfare of the regiment to which they are attached, and their strong sense of justice, will not permit them to be silent.

At the first organization of the army under the "Act for raising an additional military force," James P. Preston was appointed a *Lieut. Colonel*, and attached to the 12th. About the same time J. A. Coles was appointed a *Major*, and attached to the same regiment. At a subsequent period, major Coles was promoted to a *Lieut. Colonel*, and transferred to the 20th. In the mean time *Lieut. Col. Preston* continued with the 12th, and the command of that regiment being vacated by the promotion of Col. Parker to the rank of Brigadier General, *Lieut. Colonel Coles* was promoted and transferred to that command!! In a situation so wounding to his feelings as that of beholding his former *Major* now his *Commandant*, without being upheld in his claim to that rank by the strong support of former, or eminent services, did Col. Preston remain for some time, until at length as a *compensation* for this neglect, and as a *cure* for the deep wound inflicted upon the nice and scrupulous feelings of an officer, the command of the 23d was given him.

Against this arrangement your memorialists beg leave to pro-

test; and they are confident that they will not be censured by your honourable body for soliciting the removal of an officer from the immediate command of their regiment, who has obtained that station by irregular promotion, and begging the restoration of one whose claim is founded on the solid basis of justice, when they prove that the former does not merit that respect which they, as inferior officers, are bound to pay one occupying so high a rank. The following occurrence will evince completely the disposition of Col. Coles.

In the winter of 1812—13, Dr. Bronaugh, Surgeon of the 12th, received a letter from Col. Coles, then attached to the 20th, couched in the most friendly language, informing him that an officer had prepared, and would, within a short period, prefer charges against him: saying also that this notice was drawn from him by the high consideration and esteem which he felt for him, and that he might not be unprepared to defend himself against these charges. They were not long afterwards exhibited by captain Stanard of the 20th, and after investigating their validity, it was thought proper by the prosecutor to withdraw them. Doctor Bronaugh, after having been released from the arrest under which the charges necessarily placed him, was induced by circumstances which appeared during his partial trial, to investigate the affair; and discovered, that Col. Coles, actuated no doubt by the feelings of *esteem and respect*, was the prime mover of his prosecution; that the charges were originally drawn by him; and that he had prevailed upon another to act the part of his accuser, while he reserved for himself the more difficult, but less conspicuous character of his friend. Upon this discovery Doctor Bronaugh addressed a letter to the secretary of war, soliciting a transfer from the regiment to which he belonged, then under the command of Col. Coles, and giving his reasons for wishing such a removal. In this communication he spoke with the warmth of feeling natural under such circumstances, of the enmity and duplicity of his commanding officer towards him, a copy of which was sent to Col. Coles. Of this letter Col. Coles has taken no notice, nor did the secretary of war grant the request contained therein. Upon the arrival of Col. Coles on the lines in Oct. last, Doctor Bronaugh demanded of Col. Coles "that satisfaction which, as a gentleman, he was entitled to receive at his hands." This natural and honourable demand was answered by his immediate *arrest!*

When an officer does not hesitate to wear the mask, and to make the warmest protestations of friendship, while he is secretly attempting to undermine and destroy, is it surprising that he should forfeit the good opinion of every one? Can it be a subject of wonder that those placed under his command should feel an insuperable reluctance to committing their lives and honour to his care in the field of action?

Your Memorialists are deeply and sensibly impressed with the benefits resulting from, nay the necessity of an entire confidence in their commandant; they know that it is productive of the utmost harmony; and that without it, a military body loses in a great degree that force and union of action which is absolutely necessary.

But they candidly declare that they cannot entertain for Col. Coles a single sentiment of regard, or feel for him even ordinary respect.

During the last summer, Col. Coles not appearing to assume the command of his regiment, Lieut. Col. Preston was continued at its head by the order of Gen. Boyd, then commanding at Fort George, where the 12th was then stationed. He bestowed unwearied attention to the discipline and comfort of the troops under his care, and by his zeal and diligence in discharging his duties, and his readiness to relieve the wants and diminish the sufferings of his charge, he acquired the confidence of the officers, and gained the attachment of the privates. In this situation he remained till the arrival of Col. Coles on the lines *late in Oct. last*, for the *first time this campaign*; and with the utmost regret did your memorialists find themselves compelled to act under his command. Col. Coles remained with the corps but a few weeks. The army had no sooner retired to our own territory, with the intention of going into winter quarters, than he departed for Virginia, leaving his regiment in a condition extremely unfit for the severity of a northern winter; thus giving your memorialists the most convincing proof of his carelessness for his own command, and want of inclination to provide for its comfort.

Nor are your memorialists singular in their preference for Col. Preston. Upon several occasions have the officers of the other regiments expressed the high opinion they entertain of his merits as an officer, and their anxiety to be placed under his command. As soon as his appointment to the colonelcy of the 23d was known to its officers, he was warmly solicited to assume immediate charge of that regiment. But he declined, indulging a warm hope that by urging his *right*, and by a representation of the facts upon which his claim was founded, his former command would be restored to him. His expectations, however, were disappointed; and yielding to the solicitations of the officers of the 13th, he at the head of that regiment proved in the field that he was not undeserving their confidence.

The contrast between the two men tends still less to excite the regard of your memorialists for Col. Coles. In the former commander of their regiment they beheld those qualities united which are calculated to form the soldier and the man: mild and amiable, yet firm and undaunted in the field; possessing a courage undiminished by danger, and insensible to the feelings of fear; an excellence of disposition prompting him to gain and to deserve the esteem of his subordinate officers, with a sincerity of heart and manners calculated to win it, and actuated by the nice and honourable feelings of the gentleman and the officer. Of these qualities so necessary to form a soldier, Col. Coles, in the opinion of your memorialists, possesses none. In fine, your memorialists feel for Col. Preston the respect ~~for~~ an officer, and esteem as a man, to which his merits entitle him; nor has it been diminished, but on the contrary increased by a long and intimate acquaintance. But of Col. Coles their opinion is entirely different. They have seen both in scenes which try men's souls—at times when the heart can

wear no disguise, and the character be shielded by no mask; and they do not hesitate to give a preference *most decidedly* to Col. Preston.

Your Memorialists therefore humbly pray, that your honourable body will transfer Col. Coles to the command of some other regiment, and restore Col. Preston to the 12th, thereby again diffusing that harmony and mutual confidence between the superior and inferior officers which they are sorry to say does not exist under the present organization of the regiment, and further your memorialists pray not.

Signed by Thomas Sangster, Capt. 12th Infantry.

Andrew L. Madison,	do.
Isaac Keyes, 2d Lieut.	do.
Joseph M'Gavock,	do.
Peter C. Johnson, 3d Lieut.	do.
Amos J. Bruce,	do.
Philip Wager,	do.
Joseph Shomo,	do.
L. B. Willis, Lieut. Pay Master.	
John Kenney, Lieut.	
Otho W. Callis, Lieut. and Adj't.	
Wm. C. Parker, Lieut.	
John Macky, Lieut.	

Addressed on the back, "Memorial to the Honourable Senate of the United States."

We the undersigned, feel great pleasure in joining the other officers of the 12th regiment infantry in their expressions of regard and esteem for the character of Col. Preston, and reciprocate their sentiments respecting the justice of his claim to the command of the 12th regiment. We therefore confidently hope that the Hon. the Senate of the United States will restore to Col. J. P. Preston his *rank* and his command.

Signed, Thomas P. Moore, Capt. 12th Infantry.

J. Charlton, Capt.	do.
G. Eskridge, Ensign	do.

NOTE.—This Memorial was never laid before the Senate, but was returned by Mr. Giles to the officers. Several of those whose names were subscribed to it were not (it is believed) at the French Mills at the time it was written, and never saw it, or knew any thing of its contents previous to its being sent on to Mr. Giles.

NO. 13.

Copy of a Letter from Col. Coles to the Hon. Wm. B. Giles.

Staunton, February 22d, 1814.

Dear Sir,

I have just received a letter from a friend in Washington, informing me that a memorial has lately been forwarded to you by col. James P. Preston, of the 23d regiment, complaining that my promotion to the rank of colonel has been irregular, that it has

violated the rules of the army, and his rights as a soldier ; and that he is of right entitled to the 12th regiment, now under my command.

I am also informed that this memorial has been accompanied by another, signed by 13 of my officers, urging the claims of col. Preston, and complaining of the injustice that has been done him — and that not content with this, they have so far forgotten themselves as to speak of their commanding officer in the most disrespectful terms, and to arraign him before the Senate for having refused to make himself personally responsible to his surgeon for the discharge of his public duty.

If this information should prove to be correct, I must ask the favour of you to call for a letter addressed by me to the Secretary of War, in Nov. 1813, with the trial of Dr. Bronaugh accompanying it, and make it a part of your communication. It will serve to account for the violent hostility which is entertained by some of my officers towards me, and will enable you to judge how far my conduct has been worthy of the rank which the President and Senate have been pleased to confer on me.

As it respects col. Preston's claims to rank, it will be remembered by you, that under the first act authorizing the raising of 25,000 men, the regiments were 1800 or 2000 strong, and that during the same session this organization was changed, and the regiments reduced to one thousand. This made the appointment of many additional officers necessary. My first appointment as major was under the first act, and that of lieut. col. very soon after under the second. I have ever considered this second appointment as an original one, and not a promotion. Many of the original appointments were made long after, as you well know, for at that time the army was to be organized. This appointment of lieut. col. which I think bears date the — July, 1812, (at which time, I believe, lieut. col. Preston had never been on duty, but was still with his family,) made me his equal, as well as the equal of every other lieut. col. in the line. That this was the sentiment of the army, and the practice too, will not be denied. When I joined the army at Niagara, there was no other than a temporary rank among the officers established by *drawing* ; and had lieut. col. Preston and myself met on duty there, as in the case of others, the longest straw must have decided between us.

This was our relative situation in the fall of 1812, and the rank was not established by the department until the spring following. Whether the department was or was not to blame for this, is not for me to say, nor is it for me to determine on the correctness of that rule, which, looking back to my appointment in the dragoons in 1809, made that the criterion for settling our claims. That many of these disagreeable collisions between officers might have been avoided by an earlier attention to this subject by the department, is certain ; but whether it would have been just towards the country, or proper in itself to have gone blind-fold to work with scarcely any knowledge of individuals, and before organization was given to the army, may at least be questioned.

A farmer by habit and by inclination, as well as by interest, I entered the army from a sense of duty to my country, with a view to meet the occasion, and with a determination not to remain a moment beyond it. I have never been ambitious of rank or promotion. I have never sought it either *directly* or *indirectly*, by *myself* or my *friends*. The only appointment I ever asked of the government was a captaincy of dragoons. But that rank which the law, and the long established rules of the army has given me, I will maintain with my best abilities, and I would as soon give up my life as surrender.

The claim of col. Preston to my regiment seems to me to have still less foundation than his claim to my rank. The rule of the department is, I believe, that the senior lieut. col. is always entitled to fill the first vacancy that occurs. A reference to the register of the army will show you at once, that unless col. Preston can succeed in degrading col. Ripley and col. Boerstler from their rank, as well as myself, that he will be entitled to the 14th, and not to the 12th regiment. I was not *selected* and *appointed* to fill an *accidental vacancy* through favouritism, but rose by grade to the command of my regiment. It was my right as a soldier to fill the first vacancy, wherever it happened. Could I have had choice of regiments, I, like col. Preston, would have preferred that in which I had served; I would have taken the 20th, where the officers were, almost without an exception, my firm friends; but I knew well that this was a right that did not belong to me, and, unlike col. Preston, I did not pretend to claim it.

And now, sir, before I conclude, permit me to say something of the memorial signed by 13 of the officers of my regiment, and of the general course observed towards me by the officer in whose behalf it is written.

You have seen that both col. Preston and myself became entitled to promotion in the course of the spring and summer of 1813, and that I was arranged to the 12th, the regiment in which he had served and to which he was attached, and he to the 23d. He was desirous of an exchange, and, my consent obtained, the transfer by the department would have been a matter of course.

Col. Preston had been known to me from my boyish days, and nothing had ever disturbed the harmony of our acquaintance. You imagine of course that he applied to me, and that his request was complied with with pleasure—no such thing. He wrote a memorial to the Secretary of War, requiring this as his right, and merely served me with a copy by way of notice. This was not all. He united himself with the surgeon of my regiment, a man whose neglect of duty and irregular conduct forced me to notice him, and who on that account entertained for me the deadliest and most venomous hatred, and in connexion with this man (as I have every reason to believe) by the practice of arts which I knew nothing of, and by the influence of that authority which belongs so peculiarly to military command, some of the unthinking and ignorant officers of my corps (*a majority of whom had never seen me, and were as ignorant of my character as of my person*) were induced—yes, sir—were actually induced, to sign their names to a paper insulting me

in the highest degree, in which they urge the colonel's claims to the regiment, decide on my qualifications, and give him a preference over me—and the surgeon himself, to give a finish to this affair truly worthy of it, added a letter of his own, filled with all the blackguard epithets that could have been heaped on the head of the most depraved and degraded of the human race.

This, sir, was the *conciliatory spirit* in which the proposal for an exchange of regiments was made to me by col. Preston.—To yield to it was impossible. I therefore joined and took the command of my regiment, which I was made to believe had been so much acted upon, that they would not submit to my authority. But the surgeon, finding to his mortification, that they were not ripe for mutiny, sent me a challenge to fight, which produced his immediate arrest. In the mean time, however, himself and the colonel had not been inactive. The officers who marched out with me were applied to, and an address to the general procured, giving col. Preston a preference over me. This affair was managed with so much secrecy, that I knew nothing of it at the time, and as it could not possibly affect our claims to command, I am still at a loss to find any other motive for it, than the gratification of the col.'s vanity.*

During the period of operations on the St. Lawrence, the officers of my regiment, removed from the active influence of these two men, gave me no reason to believe that they were dissatisfied under my command; and I received from them that respect and ready obedience which gave me nothing to complain of—and I must ever believe that the late disrespectful and insulting memorial sent to the Senate by thirteen of them, was obtained by the most dishonourable means—by the vile arts of intrigue, which, had I remained, would not have been practised, as the reptile who has been employed in the work would not have dared to show himself in my presence.

It will be for the Senate to say, whether by arts like these a colonel can be degraded from his rank, to gratify the malignant feelings of some, and the envy and ambition of others. It will be for the Senate to say, whether they will deprive him of his regiment, because in the regular and constitutional discharge of his duty he has given offence to some of those under his command. They will say, too, whether a dozen of such malcontents can with impunity arraign before so high and sacred a tribunal their commandant, for the crime of refusing to fight his surgeon, by whom he had been challenged, for compelling him to do his duty. And their determination will decide, whether subordination and discipline is to be found in the army, or whether it is to become a scene of electioneering and of intrigue. From the Senate I ask nothing for myself—but for my country I ask to be supported in the exercise

* It is said, that when col. Preston went on board of the *Lady of the Lake* with this address, the general would not receive it, as his duty would have compelled him, had it been officially communicated, to arrest all those who were concerned in so seditious a proceeding.

of that authority with which I have been clothed by the law, until I shall have been convicted of having abused it.

I am told that I have also been accused of leaving my regiment and neglecting my duty. Since I have had the honour to hold a commission in the army, which is now for near two years, I have been eight months in the field, viz. encamped with troops. *One week* altogether with my family, and the remainder of the time actively and zealously engaged in recruiting. It is for those who arraign me to say, whether they have or have not been equally devoted to the public service. I left the army last fall under the orders of the commanding general, and came on here to exert myself to obtain a full command. Four companies were all that remained of my regiment, and major Willoughby Morgan, than whom there is not a more valuable officer in the army, was left in command of the battalion. Except in the picket fighting at fort George, the 12th regiment has never met the enemy but when led on by myself.

As I have no official information of what has been presented to the Senate by those who are endeavouring to injure me, this is addressed to you, that the subject may be understood; and I ask it as a favour, that such use may be made of it as may seem to you best. You will recollect, sir, that a soldier's honour is his dearest possession—and with the Senate of my country mine is now most confidently trusted. I am, very respectfully, your obedient servant,

J. A. COLES, Col. 12th.

The Hon. WM. B. GILES.

P. S. Since writing the above, licut. John Kenny, of my regiment, one of the thirteen officers whose names are signed to the memorial of the 13th Dec. alluded to, has called at my quarters. He says, that at the time he was leaving the French mills, he was told that a memorial was about to be addressed to the Senate, petitioning that body to continue col. Preston in the command of the 12th regiment, and that as he desired this, he authorized Dr. Bronaugh to sign his name to it, but that he never did authorize Bronaugh, or any one else, to sign his name to any paper containing any thing personally disrespectful or insulting to me.

As several other officers whose names are to that paper, left the mills about the same time with the lieut. it affords at least a strong presumption that they are all similarly situated. When I pronounced that some vile and dishonourable means had been employed to procure the signature of those officers, it seems I was not mistaken. Let the paper be examined, and, if I am not greatly deceived, it will be found to contain within itself evidences of the fraud which has been attempted to be practised on the Senate. As the mail is about to close, I have not time for more. I must ask, however, that you will have the goodness to have copies of these papers made out and forwarded to me, to enable me to take the steps which this discovery may render proper.*

* The memorial of the officers to the Secretary of War from fort George, col. Preston's memorial to the Senate, and the memorial above alluded to, are all believed to be in the hand writing of Bronaugh, including even several of the signatures to the latter.

NO. 14.

*Extract of a Letter from Col. Coles to the Hon. Wm. B. Giles.**Staunton, Feb. 23d, 1814.*

Dear Sir,

In a letter which I sent you by the mail of yesterday, I informed you that lieut. Kenny, one of the signers of the memorial now before the Senate, had acknowledged to me in conversation, that he had never seen it, that he knew nothing of its contents, and that he had not intended to authorize any one to put his name to any paper that should contain any thing disrespectful or insulting to me. On being requested to state this in writing, he asked for time to consider of it, and soon after sent me the note enclosed, which I have copied for your information—the original is retained, as I shall probably have use for it. This note speaks for itself, and shows much better than any thing I could say, the infamous manner in which the signatures to these memorials have been obtained.

NO. 15.

*Copy of a letter of Lieut. Kenney to Col. Coles.**Staunton, 22d Feb. 1814.*

Sir,

On yesterday I promised to send you a note relative to a certain memorial then mentioned. I have reflected and determined to approve of the contents. Whether it was prudent or imprudent in me to authorize the composers of the same to subjoin my name, is not now the time to determine. They are my most intimate friends. Disapproving of the whole or a part must either implicate them or myself. If the contents are incorrect you must consider me as one of the criminals.

You will therefore determine that I am one of the memorialists as completely as if I had signed it myself. You are not authorized to make use of this note, or any explanation which took place yesterday in consequence of my previous ignorance of such a memorial. Yours, &c.

(Signed)

JOHN KENNEY.

Col. J. A. Coles.

NO. 16.

*Report of the Secretary of War in favour of Col. Coles's claim to rank.**War Department, Jan. 26th, 1814.*

Sir,

In obedience to the resolution of the Senate of the 24th inst. referring to me the memorial of James P. Preston, with the documents accompanying it, I have the honour to report,

That by a law passed on the 17th of March, 1812, it was provided that "all officers excepting general officers, who may be appointed during the present session of congress, under the act of the 11th Jan. 1812, shall take rank in such manner as the president of the United States shall direct, without regard to priority of appointments."

That James P. Preston and J. A. Coles were appointed *Lieut. Colonels* in the army of the United States during the session of congress aforesaid, and under the said act of the 11th Jan. 1812.

That in settling the relative rank of officers of the same grade, the following general rules were adopted.

1st. Rank in actual service when appointed under this establishment.

2d. Former rank and service in the army or marine corps of the United States, and

3d. Lottery—among such as have not before been in the military service of the United States.

That under the operation of the second of these rules, precedence was necessarily given to Isaac A. Coles, he having been appointed and commissioned a Captain of Dragoons in the year 1808, and James P. Preston never having before held a military commission in the service of the United States.

That the claim of the memorialist to command the 12th regiment of infantry depends altogether upon the antecedent right claimed by him to a precedence over J. A. Coles, and that on the foregoing statement such right to precedence does not appear to exist.

I have the honour to be, sir, very respectfully, your obedient servant,

JOHN ARMSTRONG.

The President of the Senate U. S.

NO. 17.

Copy of a letter of Col. Coles to the Secretary of War.

Washington, July 7th, 1814.

Col. J. A. Coles, of the 12th regiment of infantry, asks permission to call the attention of the secretary of war to his own, and the situation in which he finds his regiment, at once disgraceful to the army and to the nation.

Some of the officers of that regiment having determined not to receive the commandant assigned them by the department, have continued to assail him with a virulence never surpassed, and in a manner unknown in the usages of this, or any other army.

The memorials signed by some of his officers and addressed to the secretary of war, and to the senate. are alluded to, and also a letter of the surgeon's to the secretary of war, to which consequence has lately been given, it having been permitted to be filed

in evidence by a military court on the ground (as it is said) that its contents had been tacitly sanctioned by the war department.

These papers contain charges against the commander of the 12th of a nature so serious and imposing, that until they have been investigated no high-minded and honourable soldier ought to be subjected to his orders. He therefore most earnestly requests that he may be immediately arrested and put upon his trial, and if it should be made to appear that he is the wretch his officers represent him to be, let the roll of the army no longer be disgraced by his name—but if on the contrary these charges against him should appear to be vile calumnies invented and propagated by one or more individuals from interested or malignant views, it is hoped that these will receive in their turn the most signal and exemplary punishment.

The conduct of Col. Coles has heretofore been governed by principle and by a sense of duty—conscious of the high and honourable station that had been assigned him by the government, he determined never to degrade it by acknowledging a personal responsibility to those placed under his command for the discharge of his public duty as an officer—to his God and to his country alone he acknowledges this responsibility; and from his country he expected protection and support in the legitimate exercise of it. When this was (as he believed) denied him, he determined to return again to the condition of a private citizen, and to fall back on his personal responsibility as a gentleman, in which character he would have felt no difficulty in defending his reputation and honour against all who might dare to assail them.

This is an application which Col. Coles has been very unwilling to make, and which he has perhaps delayed too long. His situation has been one of peculiar delicacy and hardship. Standing on the ground of public duty, he has never permitted himself to counteract the machinations of his enemies in the way in which their attacks have been made upon him, while he did not choose publicly to notice any of those who were assailing him, he forbore to speak of them at all; thus the poison of their calumnies has diffused itself widely through the army, and through the nation, unaccompanied by any antidote.—He feels that his reputation has greatly suffered in the estimation of many, and until he can again be placed on the ground on which he is conscious that he is entitled to stand, it would be truly painful to him to join his companions in arms. On the justice of his country therefore he throws himself, to which none should appeal in vain, and asks that the proper tribunal may be ordered immediately to pass upon him.

WASHINGTON, JULY 7TH, 1814.